

Town of Wells, ME

Chapter 201. Streets and Sidewalks

Article IV. Sidewalk Specifications

[Adopted 4-12-2003]

§ 201-38. Applicability.

This article shall be applicable only within the area of the Town that is covered by the Town of Wells Sidewalk Development Plan. Sidewalk improvements shall be designed in accordance with the standards established in the Town of Wells Sidewalk Development Plan and as specified in this article.

§ 201-39. Deviations.

Deviations from these specifications may be obtained from the Road Commissioner if it is found necessary to ensure public safety. All deviations must receive approval prior to construction, or prior to approval of the development plan by the Planning Board, if applicable. The Road Commissioner may allow the design and construction of sidewalks that do not meet these standards upon a written finding that application of these standards would promote the intent of the Sidewalk Development Plan, that physical conditions of a particular site do not allow for full implementation of these standards, and that safety of pedestrians will not be put at risk by following alternate design and construction standards.

§ 201-40. (Reserved)

§ 201-41. Requirements for new sidewalk construction.

A. The following types of development in the Town shall provide for the location and construction of sidewalks as provided in this section.

(1) Establishment of a use that requires construction of any new building other than a single-family dwelling or duplex on a vacant lot.

(2) Establishment of a use that requires construction of a new building or the demolition or alteration of an existing building on a lot that contained a building, provided the alteration affects more than 75% of the floor area or perimeter walls of the existing building, other than the establishment of a single-family dwelling or duplex on a vacant lot.

(3) The expansion of a structure other than a single-family dwelling or a duplex by more than 2,000 square feet of floor area after April 15, 2003.

(4) The conversion of a residential use to a commercial use, if the residential use is discontinued.

B. This shall include the dedication of necessary right-of-way or public access easement and the construction of sidewalks in accordance with the specifications provided in § 201-42, or a contribution to the Town's Sidewalk Construction Fund as specified in § 201-43. Newly constructed sidewalks shall be paid for entirely by the property owner unless otherwise determined by the Planning Board. Provision for sidewalk construction shall be included as part of site plan review or subdivision approval and/or part of plans submitted for obtaining a building permit.

§ 201-42. Sidewalk construction standards.

A. All sidewalks and related improvements including but not limited to curbs, pavement, and handicapped accessways, shall be constructed according to the standards in the Sidewalk Development Plan, including those in this article.

B. Sidewalks shall be at least five feet wide and shall be located between the curb or grade line of the public street and the right-of-way line or public access easement if approved by the Town, but no closer than two feet to the curb or grade line. Sidewalk width and distance to curb or grade line may be reduced where right-of-way width does not allow this standard to be met. The Town may approve alteration of the alignment so the sidewalk meanders within the area between the curb and right-of-way line or public access easement. The Town may request that an easement be granted from property owners to locate the sidewalk if it is necessary for public safety and/or if the landowner is willing in order to increase green space between the roadway curb and the sidewalk.

C. Where a new sidewalk adjoins existing sidewalks that are not five feet in width, the new sidewalk shall taper on each side over a five-foot length to meet the existing condition.

D. A site plan indicating the location of the sidewalk shall be submitted to the appropriate Town reviewing authority determined by the Reviewing Authority Chart in § 145-71A for site plan approval or to the Planning Board for subdivision approval.

E. All sidewalks shall be constructed in accordance with the Americans with Disabilities Act (ADA) standards. Wheelchair access ramps must be constructed at any point a proposed sidewalk intersects a Town street with the exception of walks leading from the street to the door of a single-family residence. Access ramps shall be built to grades no greater than one foot of fall per 12 feet in length.

F. Sidewalk materials. Sidewalks shall be constructed of the materials specified in Table 5.4.1 of the Sidewalk Development Plan⁽¹⁾ in accordance with the details and specifications in the Sidewalk Development Plan.

[1]Editor's Note: The Sidewalk Development Plan is on file in the office of the Town Clerk and may be examined there during normal office hours.

G. Curb materials. Curb materials shall be constructed of the following materials in accordance with the specifications in the Sidewalk Development Plan.

(1) Vertical granite. (See Sidewalk Development Plan Figure 4.5.A.)

H. To the extent possible, sidewalks shall be constructed to within one foot of the right-of-way to maximize green space between the roadway curb or grade line.

§ 201-43. Sidewalk Construction Fund.

A. The Town Treasurer shall establish a nonlapsing Sidewalk Construction Fund for the purpose of financing the construction and improvement of sidewalks in the area covered by the Sidewalk Development Plan. The Sidewalk Construction Fund shall be segregated from the municipality's general revenues.

B. The Sidewalk Construction Fund may be used provide the local match to state and federal grants for sidewalk construction and improvement.

C. Funds from the Sidewalk Construction Fund shall not be used for any purpose other than the construction and improvement of sidewalks in the area covered by the Sidewalk Development Plan.

D. A property owner in the area covered by the Sidewalk Development Plan may, in lieu of construction of a sidewalk as otherwise required by § 201-42, make a contribution to the Sidewalk Development Fund.

E. The amount of the required contribution shall be calculated by multiplying the average per foot cost for construction of the segment by the length of sidewalk adjacent to or on the property.

F. At the time a contribution to the Sidewalk Construction Fund is made, the Town shall record the date, amount, name and address of the contributor, and the assessor's map and lot number of the property for which the contribution is made. If within seven years of the date of the contribution, the Town has not constructed the segment of sidewalk for which a contribution has been made to the Fund or included such construction in the budget for the current fiscal year, then the contribution shall be refunded to the owner of record of the property from which the contribution was credited.

G. If the town receives state or federal funding for the construction of a sidewalk, then the town shall refund to the owner of record of the property from which the contribution was credited an amount proportional to the funding received from state or federal sources.

§ 201-44. Repair and replacement of sidewalks.

The Town's Road Commissioner or designee shall determine if a sidewalk requires repair and will investigate specific areas whenever a property owner abutting a public street submits a request for sidewalk repair or reconstruction. Repair of sidewalks constructed within the right-of-way of the Town's road and streets or public access easement will be the responsibility of the Town unless:

A. The sidewalk is damaged by the abutting property owner by willful misuse or carelessness. For such costs, the abutting property owner shall be responsible for the full costs of repair.

B. Where construction of an otherwise satisfactory sidewalk is desired by an abutting property owner for the property owner's convenience, such as lowering of grade to provide a more suitable driveway. For such costs, the abutting property owner shall be responsible for the full costs of repair.

§ 201-45. Sidewalk repair, rebuilding or construction in conjunction with street project.

Whenever the Town considers the necessity for construction, reconstruction or resurfacing of a public street, the Town shall also consider the necessity for construction, repair or reconstruction of the sidewalk. Whenever feasible, such sidewalk work shall be completed in conjunction with the street project as finally approved by the Board of Selectmen.

§ 201-46. Sidewalk use.

[Amended 4-21-2020]

It shall be unlawful at any time for any person to engage in roller-skating, roller-skiing, skate boarding, roller-blading, in-line skating or the use of bicycles, hover-boards, Razor scooters and toy vehicles, whether propelled by muscle or motor, on any raised sidewalk, except for handicap carts, wheelchairs or handicap scooters propelled manually or by electric motor, including an electric personal assistive mobility device (29-A M.R.S.A. § 101.22-A). It shall be unlawful for any person to use a sidewalk or other pedestrianway for the use of selling any goods or personal property or to place lawn chairs, beach chairs, blankets or any other item, whereby free passage to any said sidewalk or other pedestrianway is hindered or prevented or where prohibited by other Town ordinances.

§ 201-47. Sidewalk obstructions.

The standard sidewalk width (minimum five feet) shall be clear of obstructions such as sign posts, utility and signal poles, mailboxes, parking meters, fire hydrants, trees and other street furniture. Obstructions should be placed between the sidewalk and the roadway, to create a buffer for increased pedestrian comfort, if possible. Obstructions shall not be placed in such a manner that they impair visibility of motorists.

§ 201-48. Permit required; permit fee.

A sidewalk permit shall be obtained from the Road Commissioner or designee prior to the commencement of construction, repair, reconstruction or removal of any sidewalk within the right-of-way of streets and roadways within the Town or public access easement. A sidewalk permit fee as established by the Board of Selectmen, following notice and a public hearing, shall be paid at the time a sidewalk permit application is filed.

§ 201-49. Sidewalk acceptance.

The Road Commissioner or designee shall inspect all sidewalks constructed within the right-of-way of a street or public access easement. If the Road Commissioner finds the sidewalk construction to be complete and satisfactory, the sidewalk shall be accepted and written notification of the acceptance shall be submitted to the property owner. If the Road Commissioner finds the sidewalk construction to be unsatisfactory, the Commissioner shall notify the property owner or other persons responsible for construction of the improvements or changes that must be made in for the sidewalk to be acceptable.